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SUBJECT: AUSTRIA PLANS TO BAN BIOTECH OILSEED RAPE GT73

REF: 05 VIENNA 3496

¶1. During a January 20 press conference on Austria's EU Presidency health agenda, Minister of Health and Women's Affairs (MoH), Maria Rauch-Kallat, announced that Austria plans to issue a government ordinance to implement a marketing ban on Monsanto's GT73 oilseed rape until the end of 2008. The EU Commission had authorized GT73 in August 2005 for marketing in the entire EU.

¶2. Michel Haas, Head of the MoH's Biotechnology Department subsequently told us that the MoH will circulate a draft ordinance to various experts and stakeholders (mainly in other ministries and state governments). The ordinance may come into effect within four weeks. He noted that the GoA must notify the EC concerning the ordinance.

¶3. Rauch-Kallat conceded in her press conference that the EC might take action against the GoA. However, she maintained that MoH experts could provide evidence that rapeseeds have a significantly greater chance of mingling with other crops than do other seeds, such as maize. She added that this was a particular concern in Austria's small-scale agricultural system. According to Rauch-Kallat, the anticipated damage to conventional and organic food justifies the ban.

Comment

¶4. The 2001 directive on the deliberate release of GMOs does not foresee national safeguard clauses for new approvals. Furthermore, Austria has already failed in an attempt to argue that the small-scale nature of Austrian agriculture makes it more vulnerable to mingling, and that national measures are therefore justified (reftel). The EC, therefore, presumably has ample reason to take action against this apparent breach of EU regulations on biotechnology.

¶5. The Austrian press has noted that Rauch-Kallat's announcement coincided with Agriculture Minister Josef Proell's initial appearance in Brussels to present Austria's agriculture agenda for the Presidency. Some commentators speculated that Proell, probably the most outspoken opponent of GMOs in the GoA, "used Rauch-Kallat" to further his agenda and subtly imply that there are health issues surrounding GMO use. In any case, Proell has promised to raise the idea of stricter, EU-wide regulations on GMOs during two upcoming conferences in Vienna: the April 4-6 "Biotechnology Conference," sponsored by the EC and MoA; and the April 18-19 conference on "The Role of Precaution in GMO

Policy," organized by the MoH and MoA. End comment.